

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,
Plaintiff,

v.

JAMES R. DONOVAN, M.D. *et al.*,
Defendants

Case No. 1:01-cv-210

Judge Dlott
Magistrate Judge Black

**MEMORANDUM OF THE
TEXAS DEFENDANTS IN
OPPOSITION TO
PLAINTIFF'S "OMNIBUS
CROSS-MOTION TO
STRIKE OHIO & TEXAS
DEFENDANTS' ANSWERS,
SUMMARY JUDGMENT
MOTIONS, FOR DEFAULT
JUDGMENT & DISCOVERY
SANCTIONS"**

The Defendants, University of Texas Health Science Center at San Antonio ("UTHSC"), Claudia S. Miller, and Roger Perales (collectively, the "Texas Defendants") file this, their Memorandum in Opposition to Plaintiff's "Omnibus Cross-Motion to Strike Ohio & Texas Defendants' Answers, Summary Judgment Motions, For Default Judgment & Sanctions." (Doc. 126). The Plaintiff's Omnibus motion is another in a series of Plaintiff's allegations against the Texas Defendants regarding the conduct of discovery in this case. At best, the Plaintiff's allegations against the Texas Defendants are non-specific, untrue, and/or untimely.

The Plaintiff raises a number of complaints concerning the Texas Defendants' discovery conduct. First, the Plaintiff raises the Texas Defendants' alleged absence from the Rule 26(f) conference. The Court ordered the parties to hold a Rule 26(f) conference no later than June 11,

2004. (Doc. 59). A Rule 26(f) report was submitted by the Plaintiff on June 15, 2004. The report, filled out by the Plaintiff, lists all parties as being in attendance. (Doc. 60). If all parties were not attendance, as the Plaintiff now claims, the Plaintiff provides no explanation for why he listed all parties in attendance in the Rule 26(f) report. Furthermore, the Plaintiff's complaint about the Rule 26(f) conference is untimely, as that conference took place over one-year ago.

In his next point, the Plaintiff alleges that the attorneys for all of the Defendants have improperly certified submissions to the Court and discovery documents. The Plaintiff alleges that documents filed by the Defendants were filed to harass and cause needless expense, that interrogatory responses were improperly signed, that documents were incomplete and incorrect, that discovery responses were inadequate and improper, that perjured affidavits were signed, and that incomplete Rule 26 disclosures were made. (Doc. 126). In support of these allegations, the Plaintiff does little more than cite to a number of documents filed by both the Texas and Ohio Defendants. He does not undertake any discernable effort to describe why the documents he cites are improper, that interrogatory responses were improperly signed, how any affidavits were perjured, etc. Accordingly, the Plaintiff's claims are little more than a laundry list of groundless complaints.

The remainder of the Plaintiff's Omnibus motion consists of additional unfounded complaints about the Defendants' allegedly incomplete discovery responses. The Texas Defendants deny all of the Plaintiff's allegations that their responses were improper or incomplete. To the extent that the Plaintiff had legitimate complaints about the Texas Defendants' discovery responses, which were provided in 2004 or early 2005, the Plaintiff should have timely sought appropriate redress with counsel for the Texas Defendants, and failing that, redress with the Court. The Plaintiff has not sought such redress, but has instead chosen to impugn the professional character of the attorneys

representing the Defendants in this case.

For the reasons set forth herein, the Texas Defendants respectfully ask that the Court deny the Plaintiff's Omnibus motion in its entirety.

Respectfully submitted,

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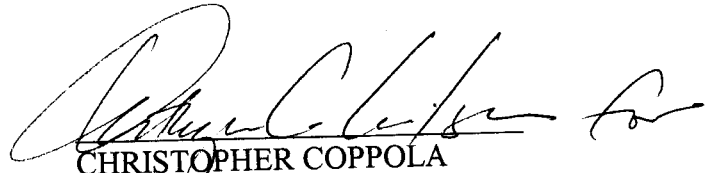
ATTORNEYS FOR TEXAS DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served as indicated below on this 25th day of August, 2005, on:

*Regular Mail & Certified Mail, Return
Receipt Requested*
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P O Box 6263
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